

REMARKS

Applicants wish to thank the Examiner for considering the present application. Claims 1-17 are pending in the application. Claims 13-17 are withdrawn from consideration. Claims 1 and 9 were amended. Claims 18 and 19 were added to the application. Applicants respectfully request the Examiner for a reconsideration of the rejections.

CONTINUED EXAMINATION UNDER 37 CFR 1.114

Applicants wish to thank the Examiner for entering Applicant's submission of a Request for Continued Examination filed on November 15, 2005.

REJECTION UNDER 35 U.S.C § 102

Claims 1-3, 5-7, and 9-11 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hendricks et al. (U.S. Pub. 2006/160989A).

Claims 1 and 9 have been amended to clarify that the electronic content is broadcast in an excess bandwidth portion of a digital channel signal. Over-the-air digital channels may not use the entire bandwidth that has been allocated. Therefore, excess bandwidth that would otherwise go unused is used for other electronic content. The excess bandwidth has been slightly clarified to conform to Figure 10. The excess bandwidth was originally set forth in claim 9 but has been clarified in claim 9.

Because the excess bandwidth was originally set forth in claim 9, the arguments for new claims 1 and 9 will focus on the Examiner's argument on page 4 of the Office Action with respect to claim 9. The Hendricks reference illustrates a concatenated cable system 210 in Figure 1. While it is true that the concatenated cable system may be replaced by a cellular network as described in Figure 7, there is no teaching or suggestion for an allocated bandwidth

having excess bandwidth. The system of claim 1 clearly differentiates that a channel signal has a bandwidth, all of which may not be used. The electronic content is broadcast in the excess bandwidth.

The Examiner states, "Since the system utilizes digital transmission methods, a standard 6 megahertz channel within the frequency spectrum will inherently have excess bandwidth for 'digital television broadcast signals' that carry the 'electronic content packages'." Applicants disagree with this assessment, since no teaching or suggestion of such is provided in the Hendricks reference. Therefore, Applicants respectfully request the Examiner to reconsider the rejection of claims 1 and 9 in view of the amendments and remarks above. Likewise, claims 2, 3, 5-7 and 10-11 are also believed to be allowable for the same reasons set forth above since the dependent claims include similar limitations.

REJECTION UNDER 35 U.S.C § 103

Claims 4 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hendricks et al. (U.S. Pub. 2006/160989A).

Claims 4 and 12 are dependent upon independent claims 1 and 9 and are therefore believed to be allowable for the same reasons set forth above.

Claim 8 stands rejected under 35 U.S.C. 35 U.S.C. §103(a) as being unpatentable over Hendricks et al. in view of Owa (U.S. Pat. 6,711,379).

The Owa reference does not teach or suggest the elements missing from claims 1 and 9. Therefore, Applicants respectfully submit that claim 8 is also allowable for the same reasons set forth in claim 1.


CONCLUSION

In light of the remarks above, Applicants submit that all objections and rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments which would place the application in better condition for allowance, the Examiner is respectfully requested to contact the undersigned attorney.

Should any fees be associated with this submission, please charge Deposit Account 50-0383.

Respectfully submitted,

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By: 
Kevin G. Mierzwa, Reg. No. 38,049
Attorney for Applicants

The DIRECTV Group, Inc.
2230 East Imperial Highway
P.O. Box 956
El Segundo, CA 90245
Telephone: (310) 964-0735
Facsimile: (310) 964-0941